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ENDORSED
Filed

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Office of Administrative Hearings

9
10 **BEFORE THE**
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In re Petition for Interim Suspension Order
Against:

Case No. R-2030

13 LUIS AROLDO ZUNIGA
14 6244 Wittenham Way
Orangevale, CA 95662

STIPULATION AND ORDER RE
INTERIM ORDER OF SUSPENSION

15 Respiratory Care Practitioner License
16 No. 14214

Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 1. On or about May 22, 2006, Respondent was arrested and charged with a
21 violation of Title 18, United States Code section 2422(b), in that on or about November 18,
22 2005, in Stanislaus County, respondent used a computer and the internet to persuade, induce,
23 entice or coerce an individual he believed to be 13 years old to engage in various sexual acts
24 which constitute a criminal offense within the Eastern District of California; and did attempt to
25 do so.

26 2. Respondent Luis Aroldo Zuniga has been apprised that Petitioner
27 Respiratory Care Board intends to file a Petition for Interim Suspension Order with the Office of
28 Administrative Hearings seeking a complete suspension of his Respiratory Care Practitioner

1 (RCP) license, as well as an Accusation which will allege the underlying criminal charges as a
2 basis for revoking respondent's RCP license.

3 3. Respondent is aware of his right under California Business & Professions
4 Code section 494, subdivision (c), to a noticed hearing on any Petition for Interim Order of
5 Suspension, as well as all other rights accorded him under California Government Code section
6 11529, subdivision (d), which include, at a minimum, the following rights:

7 (a) To be represented by counsel at his own expense.

8 (b) To have a record made of the proceedings, copies of which may be
9 obtained by the licentiate upon payment of costs computed in accordance with the
10 provisions for transcript costs for judicial review contained in Section 11523 of
11 the Government Code.

12 (c) To present affidavits and other documentary evidence.

13 (d) To present oral argument.

14 Respondent Luis Aroldo Zuniga hereby knowingly, intelligently, freely and
15 voluntarily waives each and every one of the rights set forth and/or referenced above, and that in
16 lieu of responding to a Petition for Interim Suspension Order agrees to a voluntary suspension of
17 his RCP License No. 14214 immediately.

18 4. Respondent Luis Aroldo Zuniga hereby stipulates that his license is
19 suspended pending the resolution of the administrative charges against him. In so stipulating,
20 respondent acknowledges that his Respiratory Care Practitioner License No. 14214 shall be
21 suspended until the effective date of any decision by the Office of Administrative Hearings,
22 following the filing of an accusation accusing him with the criminal misconduct and with
23 unprofessional conduct as a by product therefrom. Respondent Luis Aroldo Zuniga
24 acknowledges he shall be prohibited from practicing as a respiratory care therapist in the State of
25 California, pending the issuance of a final Decision and Order by the Respiratory Care Board in
26 the instant matter.

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1 5. Respondent agrees that facsimile copies of this "Stipulation to Interim
2 Order of Suspension," including any and all facsimile signatures appearing thereon, may be used
3 in lieu of original documents and signatures and, further, that facsimile copies and signatures
4 shall have the same force and effect as originals.

5 Dated: Jun 6, 2006.

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7 By: L. A. Zuniga

LUIS AROLD ZUNIGA
Respondent

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10 Dated: June 7, 2006.

11 BILL LOCKYER, Attorney General of the
12 State of California

13
14 By: [Signature]

LAWRENCE A. MERCER
Deputy Attorney General

15 Attorneys for Petitioner
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17 ORDER

18 IT IS SO ORDERED this 19 day of June, 2006.

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20 [Signature]
21 ADMINISTRATIVE LAW JUDGE
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